

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO. 3:04CR190

UNITED STATES OF AMERICA )  
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                                  )  
                                  )  
VS.                           )                          ORDER  
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                                  )  
THOMAS L. JACOBS          )  
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**THIS MATTER** is before the Court on the Defendant's *pro se* motion to "defer financial payments while incarcerated." The motion is denied.

The Bureau of Prisons has the authority to place a defendant in the Inmate Financial Responsibility Program based on the wording contained in the criminal judgment. ***United States v. Watkins*, 161 F. App'x 337 (4<sup>th</sup> Cir. 2006); Bramson v. Winn, 136 F. App'x 380 (1<sup>st</sup> Cir. 2005**). Prior to seeking relief from any court concerning obligations under that program, the defendant is required to exhaust all administrative remedies through the Bureau of Prisons. ***McGhee v. Clark*, 166 F.3d 884, 885-87 (7<sup>th</sup> Cir. 1999**). Thereafter, a defendant may challenge such payments but only by filing the appropriate pleading in the district court of confinement, not with

the sentencing court. ***Matheny v. Morrison*, 307 F.3d 709, 712 (8<sup>th</sup> Cir. 2002); *Moore v. Olson*, 368 F.3d 757, 759 (7<sup>th</sup> Cir. 2004).**

Additionally, because the Defendant's case is presently on appeal, this Court has no jurisdiction to issue a ruling on his motion. Defendant is further advised that he may not file *pro se* motions with the Court since he is represented by counsel. Any matter warranting the Court's attention must be filed through his attorney.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion to "defer financial payments while incarcerated" is hereby **DENIED**.

Signed: March 22, 2007



Lacy H. Thornburg  
United States District Judge

